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MEMO ENDORSED

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June 4, 2008

Hon. James C. Francis
Magistrate
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

USDS SDNY

DOCUMENT

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DATE FILED: 6/10/08

Re: Drayton v. Toys "R" US, et. al.
1:07-cv-06315-RMB-JCF

Dear Judge Francis:

Please accept this letter as a joint status report on behalf of all defendants. As per your order of February 26, 2008, plaintiffs were required to move for class certification by April 15, 2008 and discovery was to be completed by May 30, 2008.

Plaintiffs never moved for class certification. In fact, Plaintiffs have not evidenced any interest in pursuing the class action or for that matter discovery. In fact, seven of the purported representatives (Scott, High, Rhodes, Cones, Weaver, Miller and Loving) have refused to appear for deposition.

Accordingly, the defendants have submitted a letter to Judge Berman requesting a pre-motion conference seeking leave to move to (a) declare that the class action claims were abandoned and (b) pursuant to FR.C.P. 37(b) to strike the complaints of those plaintiffs who have refused to disclose during the discovery period.

6/10/08
Pursuant to the Order dated
February 26, 2008, discovery
is now closed. counsel
shall seek permission from
Judge Berman to make
any dispositive motions before June 30, 2008.
NLG: smr

Very truly yours,

NANCY LEDY GURREN

SO ORDERED.
James C. Francis IV
USMJ

Re: Drayton v. Toys "R" Us, et.al.

CONSENTED TO:



THOMAS CATALANO
LESTER SCHWAB

cc: Emmanuel Roy, Esq.
K.C. Okoli, Esq.
(Simultaneously by
e-mail and fax)